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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,833	04/27/2001	James J. Barry	12013/58401	8482
26646 7590 01/12/2009 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				
EXAMINER STEWART, ALVIN J				
ART UNIT		PAPER NUMBER		
3774				
MAIL DATE		DELIVERY MODE		
01/12/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* JAMES J. BARRY and SEAN GILLIGAN

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Application 09/842,833  
Technology Center 3700

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Mailed: January 12, 2009

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*Before* HARRY HORTON, *Discipline Team Paralegal*.

HORTON, *Discipline Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on December 15, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

AMENDMENT AFTER FINAL

A review of the file indicates that on October 25, 2007, Appellants filed an Amendment After Final in response to the Final Rejection mailed July 27, 2007. It is not clear whether this Amendment has been considered because box number 7 of an Advisory Action mailed February 1, 2008 fails to indicate whether or not the proposed amendment will or will not be entered for purposes of appeal. Clarification from the Examiner is required.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) to appropriately respond to the Amendment After Final by completing box number 7 on a corrected Advisory Action;
- 2) to mail out a corrected Advisory Action and have made of record in the instant IFW application; and
- 3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

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